

Memorandum of Understanding
for
Transportation Planning Coordination and Cooperation
between
The Puget Sound Regional Council
and
The Washington State Department of Transportation

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PARTIES AND RECITALS

This Memorandum of Understanding (MOU) is entered into as of the 15th day of ~~SEPTEMBER~~ 2009 by and between the Puget Sound Regional Council, hereinafter called the PSRC, and the Washington State Department of Transportation, hereinafter called the WSDOT.

WHEREAS, the PSRC's 1993 Interlocal Agreement among member agencies established the PSRC as provided by various state and federal statutes to be responsible for development and maintenance of the following: (1) regional growth management, transportation and economic development strategy referred to as VISION 2040 and its successor(s); (2) regional multicounty planning policies (RCW 36.70A.210 [7]); (3) regional transportation plan as mandated by the State of Washington (RCW 47.80.030); and, (4) the nearly identical federally mandated multimodal Metropolitan Transportation Plan as prescribed in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and 23 CFR 450 and 49 CFR 613 of the U.S. Code of Federal Regulations; and

WHEREAS, the State has prepared and is actively maintaining, updating and implementing the Statewide Multimodal Transportation Plan and the State Highway and Ferry System Plan components (RCW 47.01.071 and RCW 47.06.040), which comply with the federal SAFETEA-LU and 23 CFR 450 and 49 CFR 613, and which, upon determination of consistency with the regional plan and policies for those portions of the State Highway and Ferry System Plans within the central Puget Sound region, have been included within the PSRC's Metropolitan Transportation Plan; and

WHEREAS, it is desirable and consistent with the federal requirements to formalize the roles and responsibilities between the PSRC and the WSDOT to cooperatively carry out their respective metropolitan and statewide transportation planning and programming requirements to support effective regional and state transportation plan implementation; and

WHEREAS, the PSRC and the WSDOT desire and intend to support and assure cooperative, well integrated multimodal transportation planning and programming between their respective agencies for the benefit of the central Puget Sound region;

NOW, THEREFORE, the parties to this MOU agree and covenant as follows:

SECTION 1: PURPOSE

This MOU is intended to provide a framework for cooperative transportation planning between the parties to avoid duplication of effort, provide effective coordination, and optimize regional and state transportation planning and investments in support of local, countywide, and multicounty growth management policies and objectives in the central Puget Sound region. Such cooperation and coordination is in the public interest. But this MOU also satisfies federal regulations requiring such an agreement between the PSRC (in its role as the designated Metropolitan Planning Organization or "MPO") and the WSDOT (as the state transportation planning and programming agency) (23 CFR 450.314 [a]). It specifies cooperative procedures for conducting transportation system planning (including corridor and subarea studies) and programming.

This MOU is also intended to facilitate a close working relationship and regular communications between the PSRC and the WSDOT in order to avoid disputes and to facilitate the performance of their respective public responsibilities.

SECTION 2: DEFINITIONS

The following terms used in this MOU shall have the meanings set forth in this section and as now or hereafter defined in the referenced federal or state statutes or regulations:

- A. **Central Puget Sound Region** means the geographic area within the State of Washington included within King, Kitsap, Pierce and Snohomish counties.
- B. **Certification** is a statement of verification that local or countywide plans and policies are consistent and coordinated with the adopted regional transportation plan and multicounty policies (RCW 47.80.023[3]).
- C. **Congestion Management Process** is a systematic and regionally accepted approach for managing congestion that provides accurate, up-to-date information on transportation system operations and performance and assesses alternative strategies for congestion management that meet State and local needs (23 CFR 450.320).
- D. **Consistency** is a condition in which plans and policies affecting the area within the regional agency's jurisdiction are compatible and mutually reinforcing. Consistency is achieved when these plans, taken together, meet state requirements for consistency in local, regional and state plans (RCW 47.06.040, RCW 47.80.023 and RCW 36.70A).
- E. **Consultation** means that one party confers with another identified party; prior to taking action(s), considers that party's views; and informs the other party about actions taken (23 CFR 450.104).
- F. **Cooperation** means that the parties involved in carrying out the planning, programming and management systems processes work together to achieve a common goal or objective (23 CFR 450.104).

- G. **Coordination** means the comparison of the transportation plans, programs, and schedules of one agency with related plans, programs, and schedules of other agencies or entities with legal standing; and adjustment of plans, programs, and schedules to achieve general consistency (23 CFR 450.104).
- H. **High Capacity Transit System** means a system of public transportation services within an urbanized region operating principally on exclusive rights-of-way, and the supporting services and facilities necessary to implement such a system, including interim express services and high occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating on general purpose roadways (RCW 81.104.015). The regional transit system in this MOU means the same as the regional high capacity transit (HCT) system and its related financing plan which is under the jurisdiction of the Regional Transit Authority (Sound Transit) pursuant to RCW 81.104 and 81.112.
- I. **Major Corridor or Subarea Study** means a multimodal, systems-level corridor or subarea planning study to determine the mobility, safety and other basic needs where proposed investments could potentially involve federal funds. Major corridor or subarea studies shall be undertaken to develop or refine the regional transportation system elements of the Metropolitan Transportation Plan (MTP) and to begin setting the basis for subsequent environmental analysis of proposed improvements. Such studies lead to decisions by WSDOT in cooperation with the PSRC and other participating agencies, about the design concept and scope of the investment (23 CFR 450.318). Major corridor or subarea studies undertaken by the WSDOT for planned WSDOT projects or programs shall be conducted in cooperation with the PSRC as provided by federal regulations. Results of such major studies that are consistent with regional plans and policies shall be incorporated by the PSRC into the Metropolitan Transportation Plan.
- J. **Metropolitan Planning Organization (MPO)** means the forum for cooperative transportation decision making for a metropolitan planning area (23 CFR 500.103). Federal law (23 USC 134) requires that an MPO be designated for each urbanized area. The metropolitan planning area, as defined in 49 USC 5303 and 23 USC 134, must have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs that consider all transportation modes and support metropolitan community development and social goals (23 CFR 450.300).
- K. **Metropolitan Transportation Plan (MTP)** means the federally required multimodal and intermodal transportation plan that is developed and adopted through the metropolitan transportation planning process for the metropolitan planning area. Such a plan shall lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods (23 CFR 450.104 and 450.322). The Metropolitan Transportation Plan is also the same plan required by the State of Washington Growth Management Act and state legislation for Regional Transportation Planning Organizations, which refer to such a plan as a Regional Transportation Plan (RCW 47.80.030).

- L. Project Selection** refers to the federal transportation project decision process under which the PSRC and WSDOT collaboratively carry out their respective metropolitan and statewide planning and programming responsibilities for those categories of federal transportation funds under their respective jurisdictions. Through this process, projects are to be included in the Regional Transportation Improvement Program (TIP), and, subsequently, the State Transportation Improvement Program (STIP) in a manner consistent with federal regulations (23 CFR 450.216, 450.220, 450.330 and 450.332).
- M. Regional Action Strategy** reports on the region's progress implementing the region's long-range transportation plan. This ten-year action strategy reviews the past 5 years and identifies a set of recommended actions considered vital to advancing the region's transportation agenda over the next ten years. It also identifies new state and federal planning requirements, and describes how they are being met. This report serves as the region's biennial plan review document and satisfies the state-requirement for a six-year regional Transportation Improvement Program (RCW 47.80.023 [5]).
- N. Regional Transportation Plan (RTP)** is the plan required of the Regional Transportation Planning Organization under state legislation (RCW 47.80.030). The state RTP requirement is met by and referred to as the federally mandated Metropolitan Transportation Plan. (See K, above.)
- O. Regional Transportation Planning Organization (RTPO)** is the agency authorized under state law (RCW 47.80) to develop and adopt a regional transportation plan, and to certify that transportation elements of local comprehensive plans conform to requirements of state law and are consistent with the Regional Transportation Plan. The PSRC is both the RTPO and MPO for the central Puget Sound region. The PSRC's transportation planning process and transportation plans are intended to meet both state and federal transportation planning and programming mandates.
- P. Right-of-Way Preservation Review Process** refers to a system intended to assure coordination of state, regional and high capacity transit system planning and development with local land use planning. The process involves various roles for the WSDOT, the PSRC, the Regional Transit Authority (Sound Transit), and cities and counties to identify future potential regional transportation system corridor needs and promote the preservation of right-of-way for planned transportation improvements along such identified transportation corridors (RCW 81.104.080).
- Q. Transportation Improvement Program (TIP)** means the regional multiyear intermodal program of regionally prioritized transportation improvement projects. The TIP must include at least all federally funded transportation planning and implementation projects and programs for the central Puget Sound region. It must be consistent with the MTP and subsequently incorporated into the State TIP (23 USC Sec. 134 [j] and 23 CFR 450.216 [b]). The TIP is approved by PSRC and submitted to the Governor for state and federal approvals and incorporation into the State TIP (23 CFR 450.324).

- R. **Unified Planning Work Program (UPWP)** means the document developed and adopted annually by the PSRC, that describes all public transportation and major transportation-related planning activities that are anticipated within the region during the next one- or two-year period (23 CFR 450.308 [c]). It is developed and adopted annually by the PSRC.
- S. **Washington State Transportation Commission** means the commission created to provide a statewide public forum for transportation policy development (RCW 47.01.071). It reviews and evaluates how the entire transportation system works across the state and issues the state's 20-year Statewide Transportation Policy Plan. As the State Tolling Authority, the Commission sets tolls for state highways and bridges and sets fares for Washington State Ferries.
- T. **Washington Transportation Plan (WTP)** is the comprehensive statewide transportation plan (RCW 47.01.071) which is consistent with the state's growth management and transportation system policy goals (RCW 47.04.280). The WTP outlines transportation goals and objectives for the entire state, not just for the WSDOT. It connects directly with the statewide multimodal transportation and highway system plans and other plans which address such components as public transportation, bicycle/pedestrian transportation, freight and goods transport, passenger rail, and aviation.

SECTION 3: ORGANIZATIONAL ROLES AND RESPONSIBILITIES

The parties agree to mutual cooperation, consultation, and coordination as follows:

A. Transportation Planning

The State Legislature has established statewide transportation policy goals for all state transportation agencies under RCW 47.04.280.

In accordance with RCW 47.06.020, the specific role of WSDOT in statewide transportation planning must be consistent with the five policy goals described under RCW 47.04.280, which are: preservation, safety, mobility, environment, and stewardship. Additionally, the role of WSDOT in transportation planning must include (1) ongoing coordination and development of statewide transportation policies that guide all transportation providers; (2) ongoing development of a statewide multimodal transportation plan that includes both state-owned and state-interest facilities and services; (3) coordination of state high capacity transportation planning with regional transportation planning programs; and (4) conduct of special transportation planning studies that impact state transportation facilities or are related to transportation facilities and services of statewide significance.

Under federal transportation planning requirements, WSDOT, in cooperation with the PSRC, shall provide for a coordinated transportation planning process that includes the following: (1) coordination of data collection and analysis for evaluating surface, air and marine transportation alternatives and developing plans and programs, including data collection and analyses done to establish and maintain management systems and processes;

and (2) cooperative development of central Puget Sound area components of statewide transportation plans and transportation planning activities, including appropriate public involvement (23 CFR 450.210 and 450.322 [e]). To facilitate effective communication and coordination of the WSDOT's planning and programming interests within the central Puget Sound region, the WSDOT's Urban Planning Office will generally serve as the primary coordination link among the WSDOT, the PSRC, and local jurisdictional interests (transit, cities, counties, ports) within the central Puget Sound region for coordinating state-level transportation planning and programming issues relevant to PSRC activity. However, depending on the specific functional program area, other WSDOT departments may be the direct coordinating contacts and are so noted in the attached addendum, Table 1.

The PSRC and the WSDOT will cooperate with each other and, as appropriate, will include other parties such as the public transit agencies, the Regional Transit Authority (Sound Transit) and local governments, to identify those regional projects and programs that might serve as common elements for any state, regional and/or locally sponsored major corridor or subarea studies that must be undertaken to achieve the Metropolitan Transportation Plan implementation objectives (23 CFR 450.318). Such cooperation and coordination will also be used to develop and update (at least every two years) the 10-year Regional Action Strategy which also serves as the six-year regional transportation improvement program called for in RCW 47.80.023 [5]. The Regional Action Strategy is consistent with existing long-range local, regional and state transportation plans, and serves as the region's short-range transportation plan implementation strategy of priority regional programs/projects as well as a corresponding financial strategy for proposed implementation.

1. PSRC Emphasis on Multimodal Comprehensive System Planning

The PSRC is generally responsible for coordinating comprehensive system and multimodal transportation planning in cooperation with local governments, transit operating agencies, the WSDOT, and port districts within the central Puget Sound region (23 USC Sec. 134 [c]; 23 CFR 450.214 [f] and [h]; 23 CFR 450.322; and RCW 47.80.030).

The PSRC's transportation planning will be supportive of and integrated with local, countywide and multicounty growth management policies, and State Transportation System Plan policies (23 CFR 450.306 [d] and [h] and 450.316 [b]; RCW 47.80.023 [1] and [2], RCW 47.80.030 [1] [b] and [3], and RCW 47.06.040). In its planning processes, the PSRC shall include policy coordination with the WSDOT, public transit operators, and the port districts to achieve integrated and supportive efforts in development of the annual Unified Planning Work Program (UPWP) and ongoing development and maintenance of the Metropolitan Transportation Plan (MTP) (23 CFR 450.314 [a] and 23 CFR 450.308 [c]). The PSRC's MTP shall incorporate and periodically update a long-range regional financial element, with a 20-year planning horizon, as required by 23 CFR 450.322[a] and [f] [10] and RCW 47.80.030 [1] [d]. The financial element will also incorporate approved financing plans of the WSDOT, the Regional Transit Authority (Sound Transit), local transit operating agencies' system plans, local governments' transportation elements from their comprehensive plans, and the WSDOT's financial plans as they relate to the central Puget Sound region. The

MTP also supports implementation of that portion of the statewide multimodal transportation plan within the central Puget Sound region.

The WSDOT's statewide multimodal transportation plan components relating to the central Puget Sound region must conform to the state air quality plan for the central Puget Sound region. These components must be consistent with the MTP and serve as the basis for the state's programs and projects to be included in the Regional Action Strategy. That portion of the state ferry system plan that is within the central Puget Sound region must be consistent with the regional transportation plan and developed in cooperation with the region's ferry advisory committee (47.06.050 (d) (2) and 47.60.310).

2. WSDOT Emphasis on System and Project Planning

The WSDOT, through a cooperative process with the PSRC and in consideration of the interests of local elected officials (23 CFR 450.214[f] and [i]), in consultation with tribal governments (23 CFR 450.214 [h] and 23 CFR 450.208 [a]), and with involvement of public agencies and the public at large (CFR 450.210 [a] [1] [i]), is responsible for developing (RCW 47.06.040) and implementing (23 USC 135 [f] [1]) a statewide multimodal transportation plan that includes information about financial and other resources to carry out the plan. The state owned facilities component of the statewide multimodal transportation plan shall consist of two major components (RCW 47.06.050): (1) the State Highway System Plan, which identifies program and financing needs and recommends specific and financially realistic improvements to preserve the structural integrity of the state highway system, ensure acceptable operating conditions, and provide for enhanced access to scenic, recreational and cultural resources; and (2) the State Ferry System Plan, which will guide capital and operating investments in the state ferry system. Both the State Highway System Plan and the State Ferry System Plan must be consistent with the regional transportation plan.

All statewide multimodal transportation plan components and elements that relate to the central Puget Sound region and the region's Metropolitan Transportation Plan are to be mutually consistent. The overall plan for the state-owned facilities and areas of state interest included in the MTP will be cooperatively planned for by the WSDOT and the PSRC. The state-owned component which includes preservation, maintenance, operations, safety and capacity improvement elements for state-owned facilities shall serve as the basis for preparing the four-year regional transportation improvement program and the two-year biennial request to the legislature (RCW 47.06.050 [1] [a] through [c]). This component is also included in the Regional Action Strategy for implementation of the MTP (RCW 47.80.023 [5]).

3. Cooperation for Major Corridor and Subarea Studies

The WSDOT and the PSRC shall cooperate as appropriate on the conduct and completion of appropriate major corridor and subarea studies to assure effective integration of long- and short-range planning, to refine the Metropolitan Transportation Plan, and to implement programming to support growth management plans and policies

within the central Puget Sound region (as consistent with the provisions of 23 CFR 450.212 and 450.318).

4. **Cooperation for Congestion Management and Other Systems and Processes**

The PSRC, as part of the metropolitan transportation planning process and in cooperation with the WSDOT, will implement a Congestion Management Process (CMP) for the central Puget Sound region (23 CFR 450.320 and 23 CFR 500.109). The purpose of the CMP is to maximize the efficiency of existing and new transportation facilities through a planning process that supports travel demand management and operational strategies to optimize use of existing facilities, manage traffic and enhance the mobility of both people and goods.

The WSDOT will cooperate with the PSRC in the development and implementation of other required or optional management systems or processes under state responsibility (23 CFR 500.105 [c]). The WSDOT and the PSRC agree that the information resulting from their respective management process activities will be considered in developing and updating the statewide multimodal transportation plan and the Metropolitan Transportation Plan. These processes will also inform project-selection decisions for updating the State Transportation Improvement Program and the Regional Transportation Improvement Program (23 CFR 500.105 [d]).

5. **Regional Data Coordination**

To help assure consistency in planning activities, the PSRC shall periodically provide the WSDOT with current and forecasted demographic, economic, transportation, and other appropriate data as is mutually agreed upon by both parties. Such data requests will be coordinated and processed according to the PSRC's established data request policy.

An integral part of the development and maintenance of the MTP shall be a coordinated and consistent monitoring of the performance of the regional transportation system. The WSDOT and the PSRC agree to cooperate and coordinate in the collection, analysis, and dissemination of data in support of the development, maintenance, and use of the management systems; and in support of the development and maintenance of the region's transportation plan.

To help track the progress of projects funded with the PSRC's federal highway funds and programmed in the regional and state TIPs, the PSRC and WSDOT will exchange data regarding project obligations, expenditures and completions on a regular schedule, generally once per month. The PSRC will reflect the WSDOT data in its project tracking system. Both agencies will cooperatively resolve any inconsistencies.

6. **Cooperation for Commute Trip Reduction Planning**

The WSDOT and the PSRC shall cooperate as appropriate in the implementation of the Commute Trip Reduction Plan for Central Puget Sound (the regional plan) and, as necessary and appropriate, the review of local commute trip reduction plans. The

PSRC shall ensure that required updates and revisions to the regional plan are done in collaboration with the WSDOT, local jurisdictions, transit agencies and other interested parties throughout the region (RCW 70.94.527).

B. Programming

1. The PSRC

- a. **Regional Transportation Improvement Program (TIP).** In cooperation with the WSDOT, public transit operating agencies, and local governments, the PSRC is responsible for developing, adopting and maintaining an approved four-year regional TIP. The TIP contains all the projects that have been approved and programmed by the PSRC for federal funding after having been found consistent with the MTP and applicable state and federal planning and air quality requirements. The PSRC must further include state and local regionally significant projects, whether or not federal funding is used. The PSRC must also list regionally significant planning projects in the TIP and in the Unified Planning Work Program when such projects are found to be consistent with the MTP and applicable planning and air quality regulations and guidelines (23 CFR 450.324 [d]). The four-year regional TIP must be financially constrained to those funds that are available or reasonably expected to be available during that time frame (23 CFR 450.324).
- b. **Right-of-Way Preservation Review Process.** The PSRC will support future implementation of state transportation system components adopted in the MTP by working with the WSDOT on a cooperative right-of-way review process to identify potential future right-of-way needs to support future transportation corridor development projects in the central Puget Sound region. This process will be consistent with and, to the extent practicable, coordinated with the required right-of-way preservation review process for high capacity transportation (RCW 81.104.080 [5]). The PSRC, in cooperation with the WSDOT and Sound Transit, will develop and conduct a right-of-way preservation review process to support regional highway and transit system corridor developments consistent with state and federal requirements for regional transportation planning (RCW 81.104.080 [5]). This process shall incorporate opportunities to assure effective coordination with local comprehensive plans through the PSRC's plan certification and consistency reviews of local transportation plan elements (RCW 47.80.023).

2. The WSDOT

- a. **Regional Transportation Improvement Program (TIP).** The WSDOT is responsible for developing a statewide transportation improvement program (STIP), which must include transportation projects approved in regional TIPs. The WSDOT shall recommend programming and project selection for state transportation projects eligible for relevant federal funding program categories

under the WSDOT's project selection responsibility, for inclusion in the PSRC's TIP. The PSRC's cooperatively developed and adopted TIP shall be included as approved in the STIP by the WSDOT, upon such regional TIP meeting conditions of requisite regional air quality conformity findings and approval by the Governor.

To assist in developing the PSRC's four-year TIP, WSDOT will provide estimates of available federal and state revenue that can be utilized in developing the TIP (23 CFR 450.216 [i] [4] [m]). SAFETEA-LU also requires that the WSDOT provide an annual listing of projects, including those related to biking and walking, that are obligated within the PSRC's boundaries. This requirement applies to projects funded with all federal funding sources (23 USC 134[j][7][B] and 49 USC 5303[j][7][B]).

Recommendations for the WSDOT's programming of state highway components in the regional TIP shall be based on the statewide multimodal transportation plan and consistent with the Metropolitan Transportation Plan and local transportation plans. The WSDOT's programming system shall consider incorporating a broad range of strategies that are consistent with the transportation system policy goals as stipulated in RCW 47.04.280. Strategies range from highway expansion to alternative transportation mode facilities and services and transportation demand management programs.

- b. **Right-of-way Preservation Review Process.** The WSDOT will cooperate with the PSRC in the above noted process for preservation of right-of-way (RCW 81.104.080 [5]) for development of future transportation projects and facilities supporting regional transportation corridor development based on the Metropolitan Transportation Plan and the statewide transportation plan.

3. The PSRC and the WSDOT

- a. **STIP Management.** The PSRC is responsible for submitting monthly amendments and corrections for PSRC TIP projects on behalf of sponsors within the PSRC region for inclusion into the STIP. WSDOT is responsible for notifying the PSRC promptly when amendments receive final State, FHWA, and FTA approvals.
- b. **STP and CMAQ Fund Accountability.** The WSDOT and the PSRC will cooperate to ensure that the PSRC prioritizes project selections based on regional priorities. The WSDOT will retain and provide to the PSRC a full and transparent accounting of all federal funds for which the PSRC has project-selection responsibility (e.g., STP and CMAQ) and their uses, specifically how much funding is received by the WSDOT in total and annually, and all the steps applied to get to the regional allocations. The WSDOT will report quarterly to the PSRC on PSRC's federal funds that local agencies obligate so that they can continue to program and reprogram those funds.

C. Public Involvement

To coordinate effective planning and programming activities, both parties to this MOU shall, to the maximum extent practicable, coordinate their public information efforts and seek joint opportunities for public involvement (23 CFR 450.316 [a][1][ix] and [b] and 23 CFR 450.208 [a] [1])

SECTION 4: OTHER SERVICES

The parties to this MOU may from time to time enter into additional mutual agreements for purposes and services determined to be mutually beneficial. Each party agrees to give timely and fair consideration to the other's requests to enter into such additional agreements.

SECTION 5: AMENDMENTS AND MODIFICATIONS

Either party may request changes to this MOU at any time by written notice to the other party's chief executive(s). Such changes as are mutually agreed upon by and between the parties shall be incorporated by written amendment to this MOU and executed in the same manner as original MOU approval.

SECTION 6: POLICY DEVELOPMENT COORDINATION

A. Board Relations

The PSRC and the WSDOT intend to cooperate closely in the development of their respective policies, plans and programs and to actively seek cooperation and consultation on issues of major public importance. To that end, the PSRC and the WSDOT agree to the following points:

1. **Reporting.** The PSRC and the WSDOT encourage timely and appropriate briefings before their respective policy boards to explain progress, hold discussions, and seek input regarding their respective activities as they relate to each of the parties' interests and/or responsibilities.
2. **Representation.** As directed by federal and state laws (23 CFR 450.310 [d], RCW 47.80.040, and RCW 47.80.60), and to facilitate cooperation and coordination on matters of mutual interest, the PSRC shall include as voting members, WSDOT representatives to the PSRC's General Assembly, Executive Board and Transportation Policy Board. The specific numbers for such representation shall be consistent with established PSRC procedures including the Interlocal Agreement and Bylaws for determining composition of these bodies. Each of the WSDOT representatives serving on PSRC bodies shall also designate alternates for their representation.

B. Planning Coordination

In an effort to coordinate the planning efforts of both parties as efficiently as possible (23 CFR 450.208), the PSRC and the WSDOT agree as follows:

1. **Procedure for Unified Planning Work Program (UPWP) and Financial Support.**

On an annual or biennial basis, the PSRC shall develop a UPWP that describes, to the extent practicable, all major transportation and related public transportation planning activities for the next one- or two-year period, regardless of funding sources or the agencies conducting the activities. The UPWP shall include a budget that outlines the PSRC's work activities to be conducted, the schedule for completion, and the products that will be produced. By January 31 of each year, the PSRC should submit to the WSDOT, for review and consideration, a draft UPWP to be conducted in the ensuing fiscal year, which, for both the PSRC and the WSDOT, runs from July 1 of a given year to June 30 of the following year. The final UPWP and budget shall be adopted by the PSRC and submitted to the WSDOT prior to April 1, preceding the start of each fiscal year. The UPWP and budget may be amended at any time by the PSRC in accordance with its adopted operational procedures and pending approval by the WSDOT, FTA and FHWA.

The WSDOT will annually inform the PSRC of expected allocations of potentially available planning funds from any current financial sources. At a minimum, such sources include the U.S. Department of Transportation's Federal Highway (FHWA) planning (PL) funds and FTA Section 8 funds, and state RTPO funds and/or any other state-administered funds that are available to the PSRC. Funding from the State Legislature provides financial support for the regional transportation planning process to assure effective coordination of the PSRC and WSDOT planning and programming activities for the central Puget Sound region.

2. **Procedure for MTP and VISION 2040 Update.**

When the PSRC determines that an update of either VISION 2040 or the MTP is necessary, it will notify the WSDOT in writing. This notification shall include information regarding both the update process and the schedule that the PSRC intends to follow. The PSRC will consult and coordinate with the WSDOT as it develops potential modifications to VISION 2040, and the MTP. After General Assembly approval of such plan updates, the PSRC will formally notify WSDOT in writing of the final content of the updates. In accordance with federal regulations, the development and update of VISION 2040 and the MTP will also be coordinated with other transportation providers, including local and regional transit agencies, regional airport sponsors, maritime port operators, passenger and rail freight operators (23 CFR 450.306 [a] and [d]).

3. **Procedure for Statewide Highway System Plan Update.**

The WSDOT continually evaluates and periodically updates the State Highway System Plan. When the WSDOT determines that an update or modification to the portion of the statewide plan that relates to the central Puget Sound region is necessary, it will notify the PSRC in writing. This notification will include information regarding both the process and schedule the WSDOT intends to follow. The WSDOT will consult and coordinate with the PSRC during this process to assure continued consistency with the MTP. Upon approval of

such updates, the WSDOT will formally notify the PSRC in writing of the final content of the updates.

4. **Procedure for Development of Four-Year Regional TIP.** At least every three years, the PSRC shall cooperatively develop and/or update a central Puget Sound regional four-year TIP for all regionally significant transportation projects regardless of funding source. This financially constrained TIP shall be developed through a collaborative process involving regional and subregional forums which include representation of the WSDOT and representation of public transit and port interests. In accordance with federal regulation, the development of the PSRC's TIP will also be coordinated with other transportation providers, including regional port operators, rail freight operators (23 CFR 450.306 [a] and [d]). The PSRC's TIP shall be provided to WSDOT by October 31 of the given PSRC TIP-update year, for incorporation into the State TIP (STIP) (23 CFR. 450.216 [b]).
5. **Procedures for Certification of Transportation Elements of Comprehensive Plans for Cities and Counties.** The PSRC's adopted Policy and Plan Review Process will be used to certify transportation elements of the local comprehensive plans for counties, cities and towns within the central Puget Sound region. This process will satisfy state requirements that such plans must be in conformance with the state's planning requirements and consistent with the PSRC's Metropolitan Transportation Plan. As part of the process, the PSRC must also certify that countywide planning policies for King, Kitsap, Pierce, and Snohomish counties are consistent with the Metropolitan Transportation Plan. The PSRC's adopted processes provide direction for certifying local jurisdictions' transportation elements and countywide planning policies. They also provide an opportunity to coordinate and share information.

Counties, cities and towns within the region will notify the PSRC of comprehensive plan and countywide policy amendments; certification review is required and may result in additional certification action on the amendment or transportation element. These review and certification processes are to be used to increase the coordination of the transportation planning activities of the WSDOT, the PSRC, public transit agencies, and local jurisdictions.

6. **Procedures for Reviewing the Other Statewide Transportation Plans and Transit Agency Plans.** As part of the PSRC's review process, other WSDOT statewide system plans and plans developed by transit agencies serving the central Puget Sound region shall also be reviewed for consistency with the adopted Metropolitan Transportation Plan. The PSRC shall prepare a report on consistency when it reviews these plans and will make the report available to the WSDOT, or appropriate transit agency for review and comment.

SECTION 7: DISPUTE RESOLUTION

Significant differences between the parties regarding issues not otherwise addressed or covered under a separate dispute resolution process and which cannot be readily resolved by informal

discussion and negotiations between the Executive Director of the PSRC and the State Secretary of Transportation will be submitted for discussion to a balanced six-member panel to be composed of three (3) PSRC Executive Board members and three (3) members appointed by the Governor. This panel shall be appointed to seek and propose a consensus recommendation of the six members. The recommendation shall then be presented for consideration to the governing structure of each party.

SECTION 8: TERMINATION

This Memorandum of Understanding may be terminated by either party upon written notice to the other party's responsible executive at least six months prior to the start of the other party's fiscal year. Such notice shall explain the rationale for the declaration of the intent to terminate the MOU and shall confirm that such termination is supported through policy action of the initiating party in the same manner as the original MOU was approved.

SECTION 9: REPLACEMENT CLAUSE

This MOU fully supersedes and replaces the related applicable Transportation Planning Agreement entered into on October 3, 1977, and amended and supplemented on July 25, 1980; April 20, 1981; January 14, 1982; August 19, 1983, and December 3, 1996.

SECTION 10: COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS

The PSRC and the WSDOT each shall comply with all applicable local, state, and federal laws and regulations. Nothing in this MOU alters, or seeks to alter, the existing statutory authority of either party under state or federal law. If any of the provisions of this MOU are held to be illegal, invalid or unenforceable, all other provisions shall remain in full force and effect.

SECTION 11: TERMS

This MOU shall be effective as of the date first written above and shall extend for an indefinite period until terminated by the parties as provided for herein, provided that the responsible chief executives identified below for each party (Section 12) are encouraged to review the implementation of the MOU during the third calendar quarter following the year of initial MOU execution, and every three years thereafter, or upon enactment of or amendment to major state and/or federal law to ensure the MOU is being administered in an effective manner which satisfies the needs of the respective parties.

SECTION 12: NOTIFICATION

Any official notifications between the parties to this MOU, that would substantially affect the terms or conditions of this MOU shall be directed to the responsible chief executive of the other party as noted below:

For The PSRC

Bob Drewel, Executive Director
Puget Sound Regional Council
1011 Western Avenue, Suite 500
Seattle, Washington 98104-1035

For The WSDOT


Paula J. Hammond, P.E., Secretary of Transportation
Washington State Department of Transportation
P.O. Box 47316
Olympia, Washington 98504-7316

The respective parties hereto as of the date first written above approve this Memorandum of Understanding.


WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION


Paula Hammond, Secretary of Transportation


PUGET SOUND REGIONAL COUNCIL


Bob Drewel, Executive Director

APPROVED AS TO LEGAL FORM:


Washington State Assistant Attorney General

APPROVED AS TO LEGAL FORM:


Legal Counsel, Puget Sound Regional Council

ADDENDUM

Table 1: PSRC / WSDOT Functional Area Coordination

Transportation Planning & Programming	
PSRC Functional Area	WSDOT Coordination Dept/Division
Regional Transportation Plan ¹ Update/Amendments	Urban Planning Office
Ten-Year Regional Action Strategy	Urban Planning Office Washington State Ferries
Six Year Transportation Improvement Program	NW Region and Olympic Region Program Management Offices Washington State Ferries Urban Planning Office
Congestion Management Process (CMP)	Urban Planning Office Washington State Ferries
Corridor/Sub Area Planning	Urban Planning Office
TIP Development & Project Selection	Regional Program Management Offices Washington State Ferries Urban Planning Office
TIP/STIP Data Coordination	Regional Program Management Offices Washington State Ferries WSDOT Local Programs WSDOT Transportation Planning Office
TIP/Regional Transportation Plan ¹ Air Quality Conformity	Statewide Program Manager for Air, Noise & Energy
UPWP	Urban Planning Office
Data Coordination	Urban Planning Office
VISION 2040 Update	Urban Planning Office
Plan Certification	Urban Planning Office

¹ The Regional Transportation Plan is currently entitled "Destination 2030" and is scheduled to be retitled as "Transportation 2040" upon adoption of the update which is scheduled for spring of 2010.

